

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	CERTIFICATION OF A
)	SEXUALLY DANGEROUS PERSON
STANLEY CARL BURKHARDT,)	
Register Number 20092-034,)	
)	
Respondent.)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits the attached Certification of a Sexually Dangerous Person pursuant to Title 18 U.S.C. § 4248(a).

Respectfully submitted, this 6th day of July, 2007.

George E. B. Holding
United States Attorney

BY: /s/ Michael Bredenberg
Michael Bredenberg
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N.C. Bar # 26068

CERTIFICATE OF SERVICE

This is to certify that I have this 6th day of July, 2007, served a copy of the foregoing upon the Respondent in this action by placing the documents in an envelope marked as stated below, and providing it to FCC Butner staff to deliver the envelope in hand to:

Stanley Burkhardt
Reg. No.: 20092-034
FCI Butner

and on the same day served a copy of the foregoing by placing a copy in the U.S. Mail, addressed as follows:

Office of the Federal Public Defender
150 Fayetteville Street Mall
Suite 450
Raleigh, North Carolina 27601

/s/ Michael Bredenberg
Michael Bredenberg
Special Assistant U.S. Attorney
Civil Division

CERTIFICATION OF A SEXUALLY DANGEROUS PERSON

(1) I, John Baxter, am Interim Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248(a).

(2) Bureau records reflect the following: Inmate Stanley Carl Burkhardt, Register Number 20092-034, is in Bureau custody at the Federal Correctional Institution, Butner, North Carolina, in service of a 12-month term of imprisonment and four years supervised release following his revocation of supervised release. Inmate Burkhardt's original sentence was a 110-month term of imprisonment and five years supervised release, following his conviction for Receipt of Material Involving the Sexual Exploitation of a Minor, in violation of 18 U.S.C. § 2252(a)(2), and Possession of Material Involving the Sexual Exploitation of a Minor, in violation of 18 U.S.C. § 2252(a)(5)(B) (E.D. La.) (Case Number 2:98-cr-00096-PB). His offense conduct included receiving a pornographic videotape depicting several 10- to 15-year-old boys engaged in sexually explicit conduct. He was also in possession of another videotape depicting minors engaged in sexually explicit conduct. Inmate Burkhardt violated supervised release by corresponding with other convicted sex offenders and

accessing the Internet to communicate with other sex offenders. His projected release date is July 9, 2007.

(3) Based on a review of his Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by 18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:


(a) He previously engaged or attempted to engage in sexually violent conduct or child molestation as evidenced by his prior conviction for: Aggravated Crime Against Nature, in Criminal Case No. 359-304C (1992), Orleans Parish Criminal District Court, New Orleans, Louisiana, in an incident occurring between January 1, 1982, and January 25, 1987, that involved his engaging in sexual conduct with a minor female by placing his mouth upon her vagina.

(b) A limited psychological review indicated an Axis I diagnosis of Pedophilia, Sexually Attracted to Males and Females, Nonexclusive Type.

(c) An initial assessment of him using two actuarial risk assessment instruments (Static-99 and Rapid Risk Assessment for Sexual Offense Recidivism (RRASOR)) was conducted. These results, in addition to his current offense conduct, failure in sex offender treatment, and

failure on supervised release indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.



John Baxter
Interim Chairperson
Certification Review Panel
Federal Bureau of Prisons

7/5/07

Date

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
STANLEY CARL BURKHARDT,)	
Register Number 20092-034,)	
)	
Respondent.)	

At the request of the Director of the Bureau of Prisons, the government has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5).

Respondent, having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action.

The Court further determines that the Respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b) the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the office of the Federal Public Defender, and shall pay the appropriate fees and expenses to witnesses so subpoenaed.

Pursuant to 18 U.S.C. section 4247(b), the Court ORDERS the government to conduct a psychiatric or psychological examination of Respondent. Pursuant to this section, if the Respondent wishes to request an additional examiner, he shall request such by separate motion to this court.

The Court hereby notifies the parties that this case has been set for Hearing by videoconference at _____ AM/PM on _____ 2007. The hearing shall be held in Courtroom #2, Seventh Floor, of the Terry Sanford Federal Building, 310 New Bern Avenue, Raleigh, North Carolina.

This ____ day of _____, 2007.

W. EARL BRITT
Senior U.S. District Judge